HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.28836 of 1998

Dated 21st Day of March, 2007

Between:

Bonda Kannam Naidu .. Petitioner

And

The District Collector (Revenue)
Visakhapatnam
and two others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 3rd respondent in interfering with the peaceful possession and enjoyment of the petitioner's land of an extent of Ac.2.12 cents in S.No.232 situated in Bharanikam village and also the action of the 1st and 2nd respondents in not passing any orders on his representation, as arbitrary and illegal, and consequently direct the respondents to grant D-form patta to him.

The brief facts of the case are that the petitioner, who is a landless poor person, occupied Ac.2.12 cents of Government poramboke land in S.No.232 situated in Bharanikam village, Paravada Mandal, Visakhapatnam District in the year 1977 and since then he has been in possession and enjoyment of it. Later, on an application made by him, the then Tahsildar, Anakapalli, by his proceedings dated 19.8.1977, granted tentative patta to him stating that D-form patta would be issued after sub-division of land is finally completed. Thereafter, the petitioner submitted his representation for grant of D-form patta, but the authorities have not considered his representation. Now, the petitioner's grievance is that the 3rd respondent, without there being any reason, is threatening to evict him from the land in question and the authorities have not considered his representation.

Heard the learned counsel for both the parties.

According to the petitioner, by proceedings dated 19.8.1977 of the Tahasildar, the land in question was tentatively assigned in his

favour subject to payment of costs of trees if any, sub-division of the land and costs of survey marks. It is also stated in the proceedings that D-form patta will be issued after sub-division is finally completed. In spite of the fact that sub-division was finally completed and the petitioner complied with the formalities such as payment of costs of trees, etc., no D-form patta has been given in his favour and the authorities, being influenced by local Village Administrative Officer, are trying to interfere with his peaceful possession and evict him.

Having regard to the fact that a tentative assignment was made in favour of the petitioner by the proceedings dated 19.8.1977 and it is stated that a regular D-form patta will be issued after sub-division of land is completed and the representations given by the petitioner are pending with the competent authority, this Court deems it appropriate to direct the respondents to consider the petitioner's representation and pass appropriate orders as to whether the petitioner is entitled to D-form patta or not. Till such time, the petitioner shall not be evicted from the land in question.

The writ petition is disposed of in terms of the above direction. No costs.

21.03.2007

bcj